

LAKE COUNTY FAMILY COURT PROJECT

OCTOBER 2005 REPORT

BASIC INFORMATION ON LAKE COUNTY

Population: 484,564 (2000 census)

County Seat: Crown Point

Project Implementation: April 1, 2004

Number of Judicial Officers

17 Judges and 13 Magistrates in Lake County Circuit & Superior Courts, of which 3 Judges and 8 Magistrates regularly hear family matters.

Family Court Judges

Judge Lorenzo Arredondo, Magistrate Christina J. Miller and Magistrate Cheryl Kuechenberg in Lake Circuit Court sitting in Crown Point; Judge James Danikolas, Magistrate Maria Luz Corona, & Magistrate Nanette Raduenz in Lake Superior Court, Room Three, sitting in Gary; Judge Mary Beth Bonaventura, Magistrate Charlotte Ann Peller, Magistrate Glenn D. Commons, Magistrate Jeffrey Miller, Referee John M. Sedia and Referee Elizabeth Tavitias in Lake Superior Court, Juvenile Division sitting in Crown Point.

Family Court Personnel

In Circuit Court, existing personnel were reassigned on a part-time, as-needed basis to perform tasks necessary to fulfillment of the Family Court Pilot Project and the ADR Plan. In addition to the presiding judge and the Family Court magistrate, these included the court administrator, the Family Court office manager, the Family Court court reporter, and the Domestic Relations Counseling Bureau staff, as well as the part-time staff attorney. A part-time clinical psychologist was added on a contract basis to provide counseling services on-site for one half-day per week.

Superior Court, Room 3

The position of Family Court Coordinator was created to implement the plan and monitor the progress of the Family Court Project. The Court's Office Manager and the Magistrate's Secretary were assigned various tasks until the position was filled.

Superior Court, Juvenile Division

A senior judge, magistrates and referees, a court reporter and an administrative assistant operate the program.

FUNDING

Family Court Project Grant

\$35,000 annually (\$17,500 per year each for Circuit Court and Superior Court Room Three), for a two-year period covering 2004 and 2005, plus \$5,000 additional grant funding for 2005.

ADR Plan funded by the \$20 ADR Fee (added to the filing fee for dissolutions, legal separations

and paternity cases)

Generated \$24,760 for Circuit Court, \$24,060.00 for Superior Court Room 3 and \$6,480 from Juvenile Court from April 2004 through August 31, 2005. Juvenile Court additionally received grant funding in the amount of \$1,100.00 for 2005.

FAMILY COURT MISSION STATEMENT

- *To strengthen the fabric of the family by ensuring that the courts are fully informed about each family's situation before making decisions impacting that family*
- *Facilitating sharing of relevant and current information between the various courts hearing family-related matters*
- *Keeping the various courts apprised of all relevant proceedings*
- *Identifying clients' needs and providing direct services*
- *Acting as a bridge between clients' needs and community resources*
- *Making needed services available to low-income families at reduced or no cost*

Family Court Model and Programming

Lake County handles family cases in three different locations under three separate courts, each with its own presiding judge. As a result, Lake County has developed a Family Court Project that runs differently and independently in each Court. Each of the three presiding judges developed a program that fits the needs of his or her own court. While the ADR Fee is charged to all newly filed dissolution, legal separation and paternity cases, the funds are segregated by court, and each of the three Family Court projects controls and spends its ADR Fee monies in accordance with its own plan. The goal of the ADR Plan is to provide mediation, reconciliation counseling, parental counseling and other services at a reduced cost to low-income families whom the Court refers such services.

As part of the Family Court project, the courts in Lake County have implemented an *information-sharing between multiple courts* program, the main components of which include gathering identifier information with the eventual goal of computer-automating the identification of multiple-case families, the capability to easily track the current status of the separate cases each multiple case family has involvement in, and the facilitation of easy access to records of the different courts by the Family Court judicial officers and staff. The intent of the Lake County information-sharing model is not on-going tracking of all additional cases, but rather awareness of the existence of additional cases with the capability to track or to quickly receive updated information as to the status of selected additional cases of particular concern. Information sharing and records access is designed to help the judicial officer hearing the case make informed decisions, avoid entering conflicting orders and connect families in need of services to service providers.

Under the Lake County system, all cases remain in the original courts, and all courts have retained the jurisdictional boundaries and mandates they had before the initiation of this program. Additionally, Lake County did not adopt the Model Family Court Rules available under the pilot project program, but continues to operate under the local Family Court Rules that were in place prior to our participation in the pilot project.

Circuit Court Program

The information-sharing project as implemented in Lake Circuit Court begins with collection of the identifier information at the time of filing using a mandatory Information Sheet. The social security numbers and birth dates of every involved household member is necessary for the computer system to make a positive match and provide the judicial officer with an accurate picture of the judicial involvement and status of each family member.

Court records are generally easily accessible between the Lake Circuit Court and the Lake Superior Courts due to a common computer system. Juvenile Court in Lake County uses a separate computer system, and juvenile records are by law confidential, necessitating a system whereby a request for information or a request for copies of relevant court orders can be made between authorized personnel of the three courts, and the appropriate items can be either faxed or hand delivered to the requesting court.

At the time any such case comes up for hearing, the judicial officer can tell at a glance whether this family has involvement with other cases. The family can be referred for services under the ADR Plan or other programs between the Lake Circuit Court and the Lake Superior Courts at the discretion of the judicial officer. The process involves directing the family to the Lake Circuit Court Domestic Relations Counseling Bureau (the DRCB), which is on-site in the same facility as the court.

The DRCB personnel conduct a detailed informational intake with the family members, including financial data, and determine what services may help the family in addition to the Court-ordered ones. The DRCB will then arrange the needed services either with on-staff providers or with outside providers in the local community. The DRCB also determines the co-payment due under the ADR Plan, collects it and accounts for it. The DRCB is responsible for collecting much of the data required under this program. The DRCB also monitors the parties' compliance with court orders for services through the DRCB. At the completion of services, the DRCB reports to the Court as to the provision and outcome of the ordered services. This report is accomplished by completion of a detailed data sheet, which is then kept by the Family Court to compile statistics.

As to the Lake Circuit Court ADR Plan, our goal is to make mediation and counseling services available to low-income families on a no-cost or low-cost basis. This requires contracting with local mediators to provide time-limited, capped-total-cost mediation to qualified families falling within the purview of our program. Mediators are paid \$90 an hour, capped at a total of \$400 per case, for mediation services. We charge the families a co-payment based on a sliding scale determined by family income, and the co-payment is applied to the mediator's fee.

Every Thursday, Lake Circuit Family Court hosts a legal representative from Legal Services of Northwest Indiana Inc., who screens litigants as to whether they qualify for pro bono legal services. The representative is also available to assist pro se litigants with forms and procedural issues. Circuit Court also hosts law students and their supervising attorney from Valparaiso University Law School Legal Clinic to assist pro se litigants and low-income families appearing in Family Court.

Circuit Court also hired a professional clinical psychologist to provide reconciliation counseling and other appropriate counseling on an in-house basis. This psychologist is on-site here for one morning a week, and the DRCB staff schedules appointments. Families receiving counseling through this aspect of our program also pay the co-payment determined by a sliding scale.

Additionally, the Lake Circuit Court offered local mediation training to the local legal and counseling professionals on a reduced cost basis last year, in exchange for a pledge of a certain number of pro bono mediations to be arranged through the DRCB. This program was well attended and generated quite a few pro bono mediation pledges to provide services to low-income families. This has allowed ADR Fee money to accumulate to provide a cushion of funding for when the pro bono services run out.

An advisory board consisting of professionals from various disciplines and other prominent people from the local community oversees both the ADR Plan and the Family Court Pilot Projects developed by Lake Circuit Court, including doctors, mental health practitioners, law enforcement, representatives from local charitable organizations and educators. The current board also includes the head of the family law section, and incoming president, of the Lake County Bar Association, and the lead attorney from the Northwest Indiana Legal Services Corporation. The advisory board meets quarterly to review the progress of the programs and offer suggestions for the future.

Mediation Day was initiated in September 2005, with good results. Mediation services under the ADR Plan were provided to fourteen (14) families, and this resulted in thirteen (13) full or partial agreements, relieving the parties from litigating these issues and freeing up the court-time it would have taken to hear them. Nineteen (19) local mediators participated in this program. We are planning to run a similar Mediation Day in December, and are considering making this a regular event.

Superior Court Room 3

Lake Superior Court Room Three also requires completion of the Information Sheet for Family Court Pilot Project with the filing of each new case. The information collected includes the names, social security numbers and date of birth for each party and every child. The form also requires similar information for any other person residing with the parties or the children. To assist with information sharing goals, the form also requires a list of any other court cases involving these parties, their children or any other member of the household.

The Lake Superior Court Room 3 ADR Plan is designed to make low cost mediation available to qualified litigants. Local mediators have agreed to accept referrals from the Court and to provide mediation services for the set price of \$90.00 per hour for a four (4) hour maximum guaranteed payment. Litigants are required to contribute to the cost of the mediation based on their income level, a \$25 minimum per litigant. ADR funds collected on Room 3 filings are used to pay the balance of the mediation fee. By agreement of the parties or upon the Court's direction, the parties are sent to the Family Court Coordinator who gathers information and assign the case to a mediator. Upon completion of the mediation the Family Court Coordinator reports back to the Court with the mediation outcome. The case is then set for status for entry of the agreement or

for further hearing. The Family Court Coordinator maintains statistics and submits to the court the documentation necessary for authorization of payment to the mediator. Information data sheets and court documents have been created to implement the various stages of this program.

The Lake Superior Court Room 3 has also created the Family Court Legal Clinic. Through cooperation and coordination with the District representatives of the Indiana First Judicial District Pro Bono Commission, Inc. and the Indiana Legal Services, Inc, this is a free legal clinic open Wednesday mornings and Thursday afternoons each week. Volunteer attorneys are available to provide eligible person with basic information and assistance primarily in selecting the appropriate State of Indiana pre-printed forms pertaining to domestic relations matters and direction as to which court(s) would have jurisdiction over the particular case.

Eligibility for services through the Family Court Legal Clinic is based on need. Low-income families as defined by the Federal Poverty Level Guidelines qualify. Interested persons contact the Family Court Coordinator who conducts an initial interview to determine eligibility and to set up an appointment for services. Lake and Porter County attorneys and a staff attorney from Indiana Legal Services, Inc. volunteer. Both the attorney and the individual who is being served sign documentation acknowledging that the volunteer attorney will not be representing either party in any resulting litigation or during any proceedings.

The project at this point is limited to assistance in determining the proper forms and providing basic information to potential or existing litigants who cannot afford an attorney, and who will proceeding to court *pro se*. The Indiana First Judicial District Pro Bono Commission, Inc. has agreed to credit each attorney with one-hour pro bono service for each hour they volunteer their time. Representatives from both the Indiana First Judicial District Pro Bono Commission, Inc and the Indiana Legal Services, Inc. sit on the Lake Superior Court Room Three Family Court Advisory Board. The Board meets quarterly to discuss the functioning of the program and its growth.

Superior Court - Juvenile Division:

The Information Sharing Program in conjunction with a majority of what the Circuit Court's Program lays out. Juvenile Court has put into place a protocol with Circuit Court/Superior Court-Room 3 to assist them in obtaining pertinent information regarding a juvenile and their family.

Juvenile Court also maintains an Information Sheet provided by each petitioner. The only difference is that it is clipped to each case file and kept in the Juvenile Division's Clerk's Office. The Clerk then initiates the identifier information with stickers placed on each paternity file as it applies to each case. Phases of our Information Sharing Protocol include: 1)"Judge to Judge" phone calls; 2) General Record Checks; and 3) Case Specific Requests for Information. A protocol has been outlined and put in place for each phase and forwarded to Circuit Court and Superior Court-Room 3.

The Alternate Dispute Resolution Program is designed to also collect a \$20 Filing Fee and apply it to the provision on a reduced-rate basis. It offers mediation services to low and moderate-income families. Parties are also required to pay a co-payment pursuant to a co-payment table

agreed to by the Family Courts of Lake County. The fee is assessed according to each litigant's ability to pay and has been established as the most cost-effective guideline from which the litigants are to contribute accordingly. Submission of that co-payment is made directly to the Family Court Coordinator to be deposited into a separate account from the ADR Account, namely The Alternate Dispute Co-payment Fund.

Juvenile Court's program parallels Circuit Court's utilization of mediators. Pursuant to the mediation training program initiated by Circuit Court, each participant received mediation training at a reduced cost in return for 3 pro bono mediations (one each for Circuit, Superior-Room 3 and Superior-Juvenile). Once each mediator has provided their pro bono mediation, litigants will be required to pay a co-payment for mediation services. Mediators will be paid \$90/hour, not to exceed \$400 per case, for mediation services. Those funds will be disbursed from our Alternate Dispute Resolution Fund.

Pursuant to I.C. 33-37-3-1, Juvenile Court assesses a \$20 fee on cases transferred from the IV-D Division of the Lake Superior Court. The assessment of that fee applies to adjudicated cases only.

Unlike the programs implemented by Circuit Court and Superior Court-Room 3, Juvenile Court does not offer counseling services at this time.

Families Served in Lake County

Lake County is a Phase III participant in the Family Court Pilot Project. It began implementing its plan on April 1, 2004. In that time, Circuit Court has provided mediation services to forty-five (45) families with pro bono services from the mediation training program, and mediation services funded by the ADR Fee Fund to twenty-nine (29) families. Additionally, DRCB personnel have provided mediation services to eight (8) families; these services do not require a separate outlay of funds. At the moment, counseling and other family services provided as part of the family court pilot project are being paid for from a grant from the Lake County Drug-Free Alliance; once that funding is exhausted, the ADR Fee Fund and the Pilot Project Grant fund will be used to provide those services.

From April 2004 to August 31, 2005 Lake Superior Court, Room Three has submitted 17 cases for mediation through the ADR program. Since its opening in November 2004, the Family Court Legal Clinic has served 159 individuals.

Juvenile Court has provided mediation services to 3 families thus far.